

REMARKS

Claims 7-21 which are withdrawn from prosecution were inadvertently missing from the office action filed on May 21, 2004. Applicant has listed these missing claims in the present Response in accordance with the Examiner's Notice of Non-Compliant Amendment. Claims 1-6 and 22 were presented for examination and all claims were rejected, and claim 2 was objected. In the aforementioned amendment, claims 1, 3, 4 and 6 have been amended, claims 2 and 22 have been canceled, and claims 23-27 have been added as new claims. Upon entry of the present amendment, claims 1, 3-6 and 23-27 will be presently pending in this application, of which claims 1, 23 and 27 are independent and claims 7-21 stand withdrawn. The Applicant submits that claims 1 and 3-6, as amended, and new claims 23-27 are in condition for allowance.

The following comments address all stated grounds of rejection. The Applicant respectfully traverses each rejection and urges the Examiner to pass the claims to allowance in view of the remarks set forth below.

Objection to Claims

The Examiner objected to claim 2 because of the informality of the claim ending with a colon. Claim 2 is hereby canceled, mooted this objection with respect to this claim. The Applicant respectfully submits that the presently pending claims are in condition for allowance.

Objection to Drawings

The Examiner objected to the drawings under 37 CFR 1.83(a) for the failure to show the feature of a common management agent in the drawings. The previously presented claim 1 recites the feature of a common management agent. Claim 1 is hereby amended and no longer

recites this feature. Therefore, the Applicant respectfully submits that the drawings show every feature of the invention specified in the claims.

Claim Amendments

Claims 1, 3, 4 and 6 have been amended to clarify the scope of the claimed invention. Support for the amended claims can be found at page 4, line 8 to page 5, line 13; page 47, line 1 to page 49, line 14; and throughout the remainder of the specification. Claims 23-27 have been added to more fully appreciate the Applicant's claimed invention. Support for the added claims can be found at page 23, lines 5-30; Figs. 1, 4 and 10; and throughout the remainder of the specification. No new matter has been introduced. The Applicant submits that the presently pending claims are in condition for allowance.

CLAIM REJECTIONS UNDER 35 USC § 112

Claims 1 and 2 are rejected under 35 U.S.C § 112, first paragraph, and under 35 U.S.C § 112, second paragraph. For ease of the discussion below, each claim rejection under 35 U.S.C § 112 is discussed separately.

A. Rejection of Claims 1 and 2 under 35 U.S.C § 112, First Paragraph

Claims 1 and 2 are rejected under 35 U.S.C § 112, first paragraph, as containing subject matter not described in the specification in such a way as to enable one skilled in the art to make and use the invention. Claim 2 is hereby canceled, mooted this rejection with respect to this claim. The Applicant respectfully traverses this rejection and submits that claim 1, as amended, enables one skilled in the art to make and use the invention.

Specifically, claim 1 is rejected for not specifically disclosing the recited feature of common management in the specification of the current application. The Applicant disagrees with the Examiner's assertion that common management is not fully supported in the specification. Moreover, the Applicant contends that one skilled in the art would readily recognize and understand the subject matter of common management for such a term is well known in the art. Nevertheless, the Applicant amends claim 1 to remove the term "common management" from the recited feature to clarify the scope of the Applicant's claimed invention.

In light of the aforementioned amendment, claim 1 enables one skilled in the art to make and use the invention. Claim 2 is hereby canceled, mooted this rejection with respect to this claim. Therefore, the Applicant respectfully requests the Examiner to reconsider and withdraw the rejection of claims 1 and 2 under 35 U.S.C. §112, first paragraph.

B. Rejection of Claims 1 and 2 under 35 U.S.C § 112, Second Paragraph

Claims 1 and 2 are rejected under 35 U.S.C § 112, second paragraph, as not particularly pointing out and distinctly claiming the subject matter, which the Applicant regards as his invention. Claim 2 is hereby canceled, mooted this rejection with respect to this claim. The Applicant respectfully traverses this rejection and submits that claim 1, as amended, particularly points out and distinctly claims the invention.

Specifically, the Examiner in the Office Action considers the term "common" recited in claim 1 as a relative term which renders the claim indefinite. The Applicant respectfully disagrees with the Examiner's assertion that "common" is indefinite because such a phrase is readily recognizable and whose scope is readily determined by one skilled in the art. This term as used in the phrase "common management agent" is a term having a distinct meaning and scope.

Nevertheless, the Applicant amends claim 1 to remove the recited term “common” to clarify the scope of the Applicant’s claimed invention.

In light of the aforementioned amendment, claim 1 particularly points out and distinctly claims the subject matter to which the Applicant regards as his invention. Claim 2 is hereby canceled, mooted this rejection with respect to this claim. Therefore, the Applicant respectfully requests the Examiner to reconsider and withdraw the rejection of claims 1 and 2 under 35 U.S.C. §112, second paragraph.

SUMMARY

For convenience of the discussion of the rejections by the Examiner to follow below, a summary of the claimed invention and the references cited in the rejections are described separately.

Summary of Claimed Invention

The claimed invention is directed towards a method for providing service level management (“SLM”) of business processes within a service level management domain. SLM focuses on business processes, enterprise infrastructure and managing service level management agreements of business processes as supported by services of the enterprise infrastructure. SLM methods help a business understand the relationship between the infrastructure of the enterprise and the return on investment in regards to the operational efficiency of business processes, and more specifically, measure and manage agreed upon service levels of the business processes.

A business process refers to the way a business organizes people, resources and tasks into work activities to produce a valuable commodity. Business processes typically include a number of services which depend on the business’s network infrastructure and other services which are

unrelated to the network. It can also depend on several other business processes. Enterprise infrastructure refers to all the facilities, installations, systems, sub-systems, services, networks, communications and the like needed for the functioning of the business in support of its business processes. As it relates to networks, the SLM domain is further focused on multiple level enterprise network architectures and the network services supporting business processes.

The claimed invention is a method of identifying business processes within a service level management domain, the services of the enterprise network infrastructure supporting the identified business processes, and the service level to measure such enterprise network services. Then, network components are identified and associated with the network services affecting the service level of the business processes in the service level management domain. The present invention provides SLM by deploying a wide range of intelligent enterprise agents across multiple levels of the enterprise network to monitor the network services supporting business processes. Information from the network services are collected, correlated, reported and analyzed to provide measurement of the network services in relation to a service level management agreement. Service level management reports are produced based on the service level measurements in comparison to the agreed upon service levels of a service level management agreement.

Summary of Roytman Patent

Roytman describes an alarm viewer for use with an alarm manager system in a distributed network management system. Roytman is directed towards resolving the drawbacks of flickering and resizing of an alarm viewer's scroll bar as new events are displayed. In particular, the flickering and resizing of the scroll bar does not provide sufficient notice to

network management operators of the arrival of new events. As such, an operator may miss very critical events. Furthermore, the displaying of a volume of new events causes continuous scroll bar flickering and resizing. This makes it difficult for an operator to see all of the events as they arrive and to click on an event for more details. Roytman addresses these drawbacks by providing an alarm viewer that automatically scrolls its display window so that the new events always appear in the window, even with sorting criteria defined.

Summary of Koperda Patent

Koperda describes a system and method for providing statistics for flexible billing in a cable environment. Koperda provides an administrative system for allowing a tiered level of service for cable analog and digital services. A cable service subscriber subscribes to a defined level of service as offered by the cable provider, such as a set of premium television channels, and Internet or gaming services. Koperda uses a network control computer to detect and report parameters of these services between the cable service subscriber and the cable service provider. The service parameters comprise channel level variables between the network access device of the subscriber and the link access controller of the provider, such as peak bandwidth, bit rate and error rate. Additionally, the service parameters are identified with the specific subscriber and the subscriber's network access device. A network control computer records the statistical data of these service parameters and forwards the collected data to an administration system. The administration system polices the subscriber's purchased level of service with the statistical data and adjusts the service parameters at the channel level of the subscriber accordingly. In this manner, the service provider can limit each subscriber to his or her purchased subscription level.

CLAIM REJECTIONS UNDER 35 USC §102**A. Claims 1, 2 and 22 are rejected under 35 U.S.C. §102(e)**

Claims 1, 2 and 22 are rejected under 35 U.S.C. §102(e) as being anticipated by Roytman et al. (US Patent 6,356,282) (“Roytman”). Claims 2 and 22 are hereby canceled, mooted this rejection with respect to these claims. Claim 1 is an independent claim. The Applicant respectfully traverses this rejection and submits that Roytman fails to disclose each and every limitation recited in claim 1, as amended.

Amended claim 1 is directed towards a method for managing a network by *monitoring operational characteristics of a network service associated with a service level management domain and supporting a business process under service level management*. That is, the amended claim 1 provides monitoring agents to perform service level management of the business processes to detect events in the network associated with the business processes. Roytman does not disclose a method for managing a network by *monitoring operational characteristics of a network service associated with a service level management domain and supporting a business process under service level management*.

As discussed above, Roytman describes a method for displaying new alarms in an alarm viewer window. The alarm viewer is directed for use with an alarm manager system in a distributed network management system (see Fig. 4). The alarm manager system receives alarms from alarm generation agents of a network management system and logs the alarms to an alarm log (page 6, lines 53-63). The alarm viewer provides a user interface for viewing the alarms of the alarm log in a scrollable list (see Figs. 6 and 7). The alarm viewer displays logged alarms in such a manner as to allow new alarms logged to be more readily seen by the operator. As Roytman is concerned with alarm log viewing, it is void of any discussion with regards to

*monitoring operational characteristics of a network service associated with a service level management domain and supporting a business process under service level management. As such, Roytman fails to disclose managing a network by *monitoring operational characteristics of a network service associated with a service level management domain and supporting a business process under service level management.**

In light of the aforementioned arguments, the Applicant respectfully submits that Roytman fails to anticipate each and every element of amended claim 1. Claims 2 and 22 are hereby canceled, mooted this rejection with respect to these claims. Therefore, the Applicant respectfully requests the Examiner to reconsider and withdraw the rejection of claims 1, 2 and 22 under 35 U.S.C. §102.

CLAIM REJECTIONS UNDER 35 USC §103

A. Claims 3-6 are rejected under 35 U.S.C. §103(a)

Claims 3-6 are rejected under 35 U.S.C § 103(a) as being unpatentable over Roytman in view of Koperda et al. (US Patent 6,230,203) (“Koperda”). Claim 1 is an independent claim. Claims 3-6 are dependent on claim 1, as amended, and, thus, incorporate the patentable subject matter of amended claim 1. The Applicant respectfully traverses this rejection and contends that Roytman in view of Koperda fails to detract from the patentability of claims 3-6.

To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. Independent amended claim 1 is directed towards a method for managing a network by *monitoring operational characteristics of a network service associated with a service level management domain and supporting a business process under service level management.* As discussed above, Roytman does not disclose managing a network

by *monitoring operational characteristics of a network service associated with a service level management domain and supporting a business process under service level management.*

Furthermore, it does not teach or suggest managing a network by *monitoring operational characteristics of a network service associated with a service level management domain and supporting a business process under service level management.* As such, the Applicant contends that independent claim 1 is patentable and in condition for allowance. Therefore, claims 3-6 dependent from independent claim 1 are patentable and in condition for allowance.

Roytman in view of Koperda does not teach or suggest each and every feature of claim 3, as amended. Claim 3 recites the feature of displaying *service level management* information. The Examiner cites Koperda for the purpose of suggesting that it might be obvious to one ordinarily skilled in the art to modify the alarm viewer of Roytman to view the state of business processes. Roytman in view of Koperda does not teach or suggest displaying *service level management* information as part of providing *service level management* associated with *a service level management domain*. Nowhere in Roytman or Koperda does it disclose, teach or suggest displaying *service level management* information as part of providing *service level management* associated with *a service level management domain*. Furthermore, claim 3 is dependent on independent amended claim 1, and, thus, incorporates all the patentable subject matter of amended claim 1. Accordingly, the Applicant contends that Roytman in view of Koperda fails to detract from the patentability of claim 3.

Roytman in view of Koperda does not teach or suggest each and every feature of claim 4, as amended. Claim 4 recites a further method of determining service parameters to measure the level of service of network services associated with *a service management level domain and supporting business processes under service level management.* The Examiner cites Koperda for

the purpose of suggesting that it might be obvious to one ordinarily skilled in the art to modify Roytman to determine service parameters to measure the level of service. Roytman in view of Koperda does not teach or suggest determining service parameters to measure the level of service of network services associated with *a service management level domain and supporting business processes under service level management*. Nowhere in Roytman or Koperda does it disclose, teach or suggest *service level management of business processes associated with a service management level domain*. Furthermore, claim 4 is dependent on independent amended claim 1, and, thus, incorporates all the patentable subject matter of amended claim 1. Accordingly, the Applicant contends that Roytman in view of Koperda fails to detract from the patentability of claim 4.

Roytman in view of Koperda does not teach or suggest each and every feature of claim 5. Claim 5 recites the feature of providing *service level management* associated with a *service level management domain* by representing component information by one or more component parameters wherein the component parameters are mapped into the service parameters. The Examiner cites Koperda for the purpose of suggesting that it might be obvious to one ordinarily skilled in the art to modify Roytman to include the feature of claim 5. Roytman in view of Koperda does not teach or suggest providing *service level management* associated with *a service level management domain* by representing component information by one or more component parameters wherein the component parameters are mapped into the service parameters. Nowhere in Roytman or Koperda does it disclose, teach or suggest *service level management* associated with *a service level management domain*. Furthermore, claim 5 is dependent on independent amended claim 1, and, thus, incorporates all the patentable subject matter of amended claim 1.

Accordingly, the Applicant contends that Roytman in view of Koperda fails to detract from the patentability of claim 5.

Roytman in view of Koperda does not teach or suggest each and every feature of claim 6, as amended. Claim 6 recites the feature of determining whether service levels are satisfied in accordance with the *service level management* agreement by comparing service parameters with predetermined service levels associated with a *service level management domain*. The Examiner cites Koperda for the purpose of suggesting that it might be obvious to one ordinarily skilled in the art to modify Roytman to determine whether service levels are satisfied by comparing service parameters. Roytman in view of Koperda does not teach or suggest determining whether service levels are satisfied in accordance with a *service level management* agreement by comparing service parameters with predetermined service levels a *service level management domain*. Nowhere in Roytman or Koperda does it disclose, teach or suggest determining whether service levels are satisfied in accordance with a *service level management* agreement by comparing service parameters with predetermined service levels a *service level management domain*. Furthermore, claim 6 is dependent on independent amended claim 1, and, thus, incorporates all the patentable subject matter of amended claim 1. Accordingly, the Applicant contends that Roytman in view of Koperda fails to detract from the patentability of claim 6.

To establish a *prima facie* case of obviousness, there must be suggestion or motivation in the references or in the knowledge of one ordinarily skilled in the art to modify Roytman in view of Koperda. There is no suggestion or motivation in the references of Roytman in view of Koperda, or in the knowledge of one ordinarily skilled in the art to combine Roytman with Koperda.

Roytman describes an alarm viewer for use with an alarm manager system. The purpose of Roytman is to overcome the drawbacks of flickering and resizing scrollbars when displaying new alarms in the display. In contrast, Koperda describes a system for providing statistics for flexible billing in a cable environment. The purpose of Koperda is to be able to police cable subscribers in order to bill them for tiered level of services at different subscription prices. Nowhere in Roytman or Koperda is there a motivation or suggestion to combine the teachings of an alarm viewer with the teachings of an administrative cable billing system. Moreover, there is no suggestion or motivation in the knowledge of one ordinarily skilled in the art, at the time of the claimed invention, to combine the teachings of Koperda with the reference of Roytman.

In light of the aforementioned arguments, the Applicant contends that claims 3-6 are patentable and in condition for allowance. Therefore, the Applicant respectfully requests that the Examiner withdraw the rejection of claims 3-6 under 35 U.S.C. §103.

NEW CLAIMS 23-27

Independent claims 23 and 27 are directed to monitoring a business process having at least one service associated with a *service level management domain* to provide *service level management* for an entity performing a business process. Claims 24-26 are dependent on independent claim 23, and, thus, incorporate all the patentable subject matter of claim 23. None of the cited references, including Roytman and Koperda, disclose, teach or suggest monitoring a business process having at least one service associated with a *service level management domain* to provide *service level management* for an entity performing a business process.

The Applicant respectfully submits that none of the cited references, including Roytman and Koperda, disclose, teach or suggest each and every element of claims 23-27. Therefore, the Applicant respectfully submits that claims 23-27 are patentable and in condition for allowance.

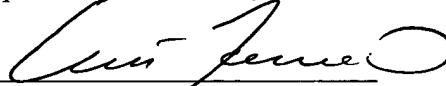
CONCLUSION

In light of the aforementioned arguments, the Applicant contends that each of the Examiners rejections has been adequately addressed and all of the pending claims are in condition for allowance. Accordingly, the Applicant respectfully requests reconsideration, withdrawal of all grounds of rejection, and allowance of all of the pending claims.

Should the Examiner feel that a telephone conference with Applicant's attorney would expedite prosecution of this application, the Examiner is urged to contact the Applicant's attorney at the telephone number identified below.

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Respectfully submitted,

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